

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Kenneth R. Weber
aka Ken Weber, aka Kenneth Weber
Debtor(s)

Bankruptcy Case No.: 19-22111-TPA
Per December 5, 2019 proceeding
Chapter: 13
Docket No.: 38 – 30, 36
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 13, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1663.00 as of December 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: New Residential (Claim 10-2) governs at modified plan terms with ongoing escrow of \$226.23 per month.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: December 11, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Kenneth R. Weber
 Debtor

Case No. 19-22111-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: lmar
 Form ID: 149

Page 1 of 2
 Total Noticed: 54

Date Rcvd: Dec 11, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 13, 2019.

db +Kenneth R. Weber, 2504 Sunset Dr., West Mifflin, PA 15122-3563
 cr +Ditech Financial LLC, RAS Citron, LLC, 130 Clinton Road, Suite 202,
 Fairfield, NJ 07004-2927
 cr +New Residential Mortgage LLC, c/o NewRez LLC dba Shellpoint Mortgage, P.O. Box 10826,
 Greenville, SC 29603-0826
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 15105882 +ACAR Leasing LTD d/b/a GM Financial Leasing, PO Box 183853, Arlington, TX 76096-3853
 15058479 +Altran Financial, PO Box 4044, Concord, CA 94524-4044
 15117299 +Auto Owners Ins. Company A/S/O Weber, Kenneth J., Wilber & Associates, 210 Landmark Dr,
 Normal, IL 61761-2119
 15058480 +Best Buy Credit Services, PO Box 790441, Saint Louis, MO 63179-0441
 15058483 +Capital One Bank, PO Box 30277, Salt Lake City, UT 84130-0277
 15058484 +CitiBank CitiCards, PO Box 6077, Sioux Falls, SD 57117-6077
 15098888 +Citibank, N.A., 701 East 60th Street North, Sioux Falls, SD 57104-0493
 15058486 GM Financial Leasing, PO Box 181145, Arlington, TX 76096-1145
 15058487 +Hayt Hayt & Landau, Two Industrial Way West, Eatontown, NJ 07724-2279
 15058488 +Home Depot, Credit Services, PO Box 790328, Saint Louis, MO 63179-0328
 15058489 +Kenneth J. Weber, Allegheny County Jail, 950 2nd Avenue, DOC#1417832E,
 Pittsburgh, PA 15219-3100
 15058491 +Lending Club, 595 Market St. #200, San Francisco, CA 94105-2807
 15117277 +LendingClub Corporation, 595 Market St, Suite 200, San Francisco, CA 94105-2807
 15058493 +Linda B. Schwartz, c/o J.J. Land Co., 5738 Baum Blvd., Pittsburgh, PA 15206-3781
 15058496 +McQuarters Realty Co., 5701 Centre Ave. L6, Pittsburgh, PA 15206-3790
 15092712 +Midland Credit Management, Inc., PO Box 2037, Warren, MI 48090-2037
 15058497 +Midland Funding, 1 International Plaza 5th Floor, Philadelphia, PA 19113-1510
 15058498 +Molly M. Gallo, 132 Sherman St., Lisbon, OH 44432-1030
 15058499 National Enterprise Systems, 2749 Edison Blvd. Unit A, Twinsburg, OH 44087
 15099628 +New Residential Mortgage LLC, c/o NewRez LLC dba Shellpoint Mortgage S, PO Box 10826,
 Greenville, SC 29603-0826
 15156629 New Residential Mortgage, LLC, c/o NewRez LLC, d/b/a Shellpoint Mortgage Servicing,
 PO Box 10826, Greenville, South Carolina 29603-0826
 15058500 +Nicholas Bandola, c/o G. Christopher Apsessos, Esquire, Friday & Cox LLC,
 1405 McFarland Rd., Pittsburgh, PA 15216-2373
 15058503 +PNC Bank, 2730 Liberty Ave., DRU, P5-PCLC-01-J, Pittsburgh, PA 15222-4704
 15058502 +PNC Bank, PO Box 3429, Pittsburgh, PA 15230-3429
 15058504 +PNC Bank, PO Box 609, Pittsburgh, PA 15230-0609
 15058501 +PNC Bank, Box 1820, Dayton, OH 45401-1820
 15098834 +PNC Bank, National Association, P.O. Box 94982, Cleveland, OH 44101-4982
 15072030 +Pidors Pub, 1129 Ravine St., Munhall, PA 15120-2140
 15072031 +Pidors Pub (Auto Owners Insurance), C/O Wilber & Associates, 210 Landmark Drive,
 Normal, IL 61761-2119
 15058505 +R. Sean O'Connell, Esq., Craig W. Beil, Esq., Robb Leonard Mulvihill, LLP,
 500 Grant St. Suite 2300, Pittsburgh, PA 15219-2508
 15058507 +Sears Mastercard, PO Box 6286, Sioux Falls, SD 57117-6286
 15058508 Sears Mastercard, PO Box 6282, Sioux Falls, SD 57117-6282
 15058509 +Sears Security Operations, PO Box 6286, Sioux Falls, SD 57117-6286
 15058510 +Sprint, Legal Department, PO Box 4600, Reston, VA 20195-1416
 15058514 +Upgrade, 2 N. Central Ave. Floor 10, Phoenix, AZ 85004-2322
 15058516 +Wells Fargo Bank, PO Box 522, Des Moines, IA 50306-0522

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/Text: kbarkley@bernsteinlaw.com Dec 12 2019 03:21:21 Duquesne Light Company,
 c/o Bernstein-Barkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 12 2019 03:11:02
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15058481 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 12 2019 03:10:58 Capital One Bank,
 PO Box 30285, Salt Lake City, UT 84130-0285
 15058485 E-mail/Text: bankruptcy.bnc@ditech.com Dec 12 2019 03:19:49 Ditech Financial LLC,
 PO Box 6154, Rapid City, SD 57709-6154
 15058492 E-mail/PDF: gecsedirecoverycorp.com Dec 12 2019 03:11:36 Levin Furniture, Synchrony Bank,
 Attn: Bankruptcy Dept., PO Box 965064, Orlando, FL 32896-5064
 15058495 E-mail/PDF: gecsedirecoverycorp.com Dec 12 2019 03:12:34 Lowe's Synchrony Bank,
 PO Box 965004, Orlando, FL 32896-5004
 15058494 E-mail/PDF: gecsedirecoverycorp.com Dec 12 2019 03:10:48 Lowe's Synchrony Bank,
 Attention: Bankruptcy Dept., PO Box 965060, Orlando, FL 32896-5060
 15098799 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 12 2019 03:11:02
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 15077078 E-mail/Text: bnc-quantum@quantum3group.com Dec 12 2019 03:20:02
 Quantum3 Group LLC as agent for, Velocity Investments LLC, PO Box 788,
 Kirkland, WA 98083-0788
 15058789 +E-mail/PDF: gecsedirecoverycorp.com Dec 12 2019 03:12:35 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

District/off: 0315-2

User: lmar
Form ID: 149

Page 2 of 2
Total Noticed: 54

Date Rcvd: Dec 11, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

15058511	+E-mail/PDF: gecsed@recoverycorp.com Dec 12 2019 03:12:34	Synchrony Bank JCP,
	PO Box 965009, Orlando, FL 32896-5009	
15058512	E-mail/PDF: gecsed@recoverycorp.com Dec 12 2019 03:11:36	Synchrony Bank/Mohawk,
	PO Box 965004, Orlando, FL 32896-5004	
15058513	E-mail/PDF: gecsed@recoverycorp.com Dec 12 2019 03:12:35	Synchrony Home,
	Attn: Bankruptcy Dept., PO Box 965064, Orlando, FL 32896-5064	
15058515	E-mail/PDF: gecsed@recoverycorp.com Dec 12 2019 03:11:35	Walmart, Synchrony Bank,
	Attention: Bankruptcy Dept., PO Box 965064, Orlando, FL 32896-5064	

TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr	PNC BANK NATIONAL ASSOCIATION
15058506	Sarah Weber, unknown
15058482*	+Capital One Bank, PO Box 30285, Salt Lake City, UT 84130-0285
15058490*	+Kenneth J. Weber, Allegheny County Jail, 950 2nd Avenue, DOC#1417832E, Pittsburgh, PA 15219-3100

TOTALS: 2, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 13, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 11, 2019 at the address(es) listed below:

James Warmbrodt	on behalf of Creditor	PNC BANK NATIONAL ASSOCIATION	bkgroup@kmlawgroup.com
Keri P. Ebeck	on behalf of Creditor	Duquesne Light Company	kebeck@bernsteinlaw.com,
			jbluemle@bernsteinlaw.com
Lauren Berschler Karl	on behalf of Creditor	Ditech Financial LLC	lkarl@rascrane.com,
			lbkarl03@yahoo.com
Michael J Shavel	on behalf of Creditor	New Residential Mortgage LLC	mshavel@hillwallack.com,
			jrydzewski@HillWallack.com;skenny@hillwallack.com
Office of the United States Trustee			ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour			cmecf@chapter13trusteedpa.com
S. James Wallace	on behalf of Creditor	Peoples Natural Gas Company LLC	sjw@sjwpgh.com,
			Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com
Susan J. Pearlstein	on behalf of Debtor	Kenneth R. Weber	suemejp@gmail.com, lp@ggvlaw.com

TOTAL: 8